

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

SUMMARY ORDER

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 30th day of August, two thousand and six.

PRESENT:

HON. DENNIS JACOBS,  
HON. ROBERT D. SACK,  
HON. BARRINGTON D. PARKER,  
*Circuit Judges.*

Surinder Kaur,

*Petitioner,*

v.

No. 05-2195-ag  
NAC

The Board of Immigration Appeals,  
*Respondent.*

FOR PETITIONER: Surinder Kaur, Flushing, New York, *pro se.*

FOR RESPONDENT: David E. O’Meilia, United States Attorney for the Northern District of Oklahoma, Neal B. Kirkpatrick, Assistant United States Attorney, Tulsa Oklahoma.

UPON DUE CONSIDERATION of this petition for review of a decision of the Board of Immigration Appeals (“BIA”), it is hereby ORDERED, ADJUDGED, AND DECREED, that the

1 petition for review is DENIED.

2 Surinder Kaur, *pro se*, petitions for review of the BIA's denial of her motion to reopen  
3 her removal proceedings. We assume the parties' familiarity with the underlying facts and  
4 procedural history of the case, and note that only the denial of the motion to reopen is under  
5 review because that is the only decision from which Kaur filed a timely petition for review. *See*  
6 *Kaur v. BIA*, 413 F.3d 232,233 (2d Cir. 2005) (*per curiam*).

7 This Court reviews the BIA's denial of a motion to reopen or reconsider for abuse of  
8 discretion. *See Kaur*, 413 F.3d at 233; *Jin Ming Liu v. Gonzales*, 439 F.3d 109, 111 (2d Cir.  
9 2006). An abuse of discretion may be found where the BIA's decision "provides no rational  
10 explanation, inexplicably departs from established policies, is devoid of any reasoning, or  
11 contains only summary or conclusory statements; that is to say, where the Board has acted in an  
12 arbitrary or capricious manner." *Kaur*, 413 F.3d at 233-34; *Ke Zhen Zhao v. U.S. Dep't of*  
13 *Justice*, 265 F.3d 83, 93 (2d Cir. 2001) (internal citations omitted).

14 Here, the BIA did not abuse its discretion in denying Kaur's motion. "A motion to  
15 reopen proceedings shall state the new facts that will be proven at a hearing to be held if the  
16 motion is granted and shall be supported by affidavits or other evidentiary material." 8 C.F.R. §  
17 1003.2(c)(1). Kaur's motion failed to meet these requirements because it was not supported by  
18 any documentary evidence. Furthermore, the IJ acted reasonably in holding that Kaur's evidence  
19 failed to establish a *prima facie* case because changed country conditions do not undermine the  
20 IJ's adverse credibility determination. *See INS v. Abudu*, 485 U.S. 94, 104-05 (1988).

21 For the foregoing reasons, the petition for review is DENIED. Having completed our  
22 review, any stay of removal that the Court previously granted in this petition is VACATED, and

1 any pending motion for a stay of removal in this petition is DENIED as moot. Any pending  
2 request for oral argument in this petition is DENIED in accordance with Federal Rule of  
3 Appellate Procedure 34(a)(2), and Second Circuit Local Rule 34(d)(1).

4  
5  
6 FOR THE COURT:  
7 Roseann B. MacKechnie, Clerk  
8

9 By: \_\_\_\_\_